

Financial Services, or their designees; and that the previous question be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Such rollcall votes, if postponed, will be taken tomorrow.

AUTHORIZING ARCHITECT OF THE CAPITOL TO PERMIT TEM- PORARY CONSTRUCTION AND OTHER WORK ON CAPITOL GROUNDS

Mr. FRANKS of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 167) authorizing the Architect of the Capitol to permit temporary construction and other work on the Capitol Grounds that may be necessary for construction of a building on Constitution Avenue Northwest, between 2nd Street Northwest and Louisiana Avenue Northwest.

The Clerk read as follows:

H. CON. RES. 167

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS.

The Architect of the Capitol may permit temporary construction and other work on the Capitol Grounds that may be necessary for construction of a building on Constitution Avenue Northwest, between 2nd Street Northwest and Louisiana Avenue Northwest. Such work may include activities resulting in temporary obstruction of a curbside parking lane on Louisiana Avenue Northwest and on Constitution Avenue Northwest, between 2nd Street Northwest and Louisiana Avenue Northwest.

SEC. 2. PERIOD OF USE.

Work on the Capitol Grounds under section 1 is authorized during the period beginning August 6, 1999, and ending October 31, 2001, or such longer period as the Architect of the Capitol determines necessary.

SEC. 3. TERMS AND CONDITIONS.

(a) IN GENERAL.—Work on the Capitol Grounds under section 1 may not begin until the Architect of the Capitol receives such assurances as the Architect may require to ensure that—

(1) all areas of the Capitol Grounds that are disturbed by reason of such work will be restored to their original condition without expense to the United States; and

(2) such work will be carried out so as not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol.

(b) EXPENSES AND LIABILITIES.—The United States shall not incur any expense or liability incident to any activity associated with work on the Capitol Grounds under section 1.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. FRANKS) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FRANKS).

Mr. FRANKS of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 167 will authorize the Architect of the Capitol to enter into an agreement with the United Brotherhood of Carpenters and Joiners for a construction project that is scheduled to begin August 15, 1999.

The Carpenters and Joiners Union headquarters is located on Constitution Avenue between 2nd Street and Louisiana Avenue, Northwest. This property is adjacent to the Capitol Grounds.

The Union plans to demolish its existing headquarters and construct a new larger facility. In order to do this, a small section of parking spots and a sidewalk on Louisiana Avenue will be closed for about 2 years.

Let me be clear about the affected area along Constitution Avenue and Louisiana Avenue. It is the curbside lane between 1st and 2nd Street, Northwest only. This authority in no way extends beyond those two streets insofar as the Capitol Grounds are concerned.

This activity will not interfere with the needs of Congress and will not cost the government. The building owners will restore all affected areas of the Capitol Grounds to its original condition once construction is completed.

I support this resolution wholeheartedly and urge my colleagues to join in support.

Mr. Speaker, I reserve the balance of my time.

□ 2130

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

First, Mr. Speaker, may I thank the gentleman from Pennsylvania (Mr. SHUSTER) for the way in which he has shepherded this matter through committee and to the floor. I am very grateful for the attention he has given it. May I also thank the distinguished ranking member the gentleman from Minnesota (Mr. OBERSTAR) for his invaluable assistance in getting this matter to the floor this evening. I very much appreciate the work of my own chairman the gentleman from New Jersey (Mr. FRANKS) who in committee today saw to it that this matter came and was expeditiously handled in the subcommittee itself. This straightforward resolution will allow the Architect of the Capitol to permit temporary construction and necessary other work on the Capitol grounds. The site is along Constitution Avenue in

my district between Second Street and Louisiana Avenue Northwest and along Louisiana to First Street Northwest. The construction project will create a high end building with class A office space right here at the foot of Capitol Hill. The new building will be 10 stories high and will contain 500,000 square feet. The Architect has requested a resolution to permit the temporary closing of the curb lane along Louisiana Avenue and Constitution Avenue.

Again I want to thank the gentleman from New Jersey for the very expeditious way in which he has handled this matter and for his continued support for activities that positively affect the economic health of the Nation's capital, the District of Columbia.

Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentlewoman for yielding me this time. I rise to support the resolution and to express my great appreciation to the gentleman from Pennsylvania (Mr. SHUSTER) for moving so expeditiously on this matter which is very timely for the carpenters union for the replacement and construction of this facility so near to the Capitol. I appreciate the support of the chairman of the subcommittee also for acting so quickly. I want to compliment the gentlewoman from the District of Columbia on her steadfast persistence and leadership on this matter. She is a true advocate and champion for the District and a great voice.

This facility has one of the prime locations in all of Washington. It shall be very interesting to see the facility removed and reconstructed. I understand that there is a splendid plan to replace that facility. It is very important to all who are concerned, not only those building the structure but those who are going to rent, the various associations that would be a part of this.

I just wanted to rise and express my great appreciation to the majority for moving so quickly on a matter of such timely importance to those involved and again to compliment the gentlewoman for her leadership and express my great appreciation to the gentleman from Pennsylvania (Mr. SHUSTER) for his cooperation.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume. I very much appreciate the remarks of the ranking member the gentleman from Minnesota (Mr. OBERSTAR). I do want to say that I know that the carpenters union is as grateful for the way in which this has been handled this evening as I am. I want to assure the House that the matter under construction has received already the approval of the appropriate Federal and local authorities and will continue to go through those approvals. We needed only now the approval of the House to make sure the construction could indeed proceed.

Mr. Speaker, I yield back the balance of my time.

Mr. FRANKS of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from New Jersey (Mr. FRANKS) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 167.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FRANKS of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 167, the measure just considered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMERICAN INVENTORS PROTECTION ACT OF 1999

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1907) to amend title 35, United States Code, to provide enhanced protection for inventors and innovators, protect patent terms, reduce patent litigation, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1907

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Inventors Protection Act of 1999".

SEC. 2. TABLE OF CONTENTS.

The table of contents is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—INVENTORS' RIGHTS

Sec. 101. Short title.

Sec. 102. Invention promotion services.

Sec. 103. Effective date.

TITLE II—FIRST INVENTOR DEFENSE

Sec. 201. Short title.

Sec. 202. Defense to patent infringement based on earlier inventor.

Sec. 203. Effective date and applicability.

TITLE III—PATENT TERM GUARANTEE

Sec. 301. Short title.

Sec. 302. Patent term guarantee authority.

Sec. 303. Continued examination of patent applications.

Sec. 304. Technical clarification.

Sec. 305. Effective date.

TITLE IV—UNITED STATES PUBLICATION OF PATENT APPLICATIONS PUBLISHED ABROAD

Sec. 401. Short title.

Sec. 402. Publication.

Sec. 403. Time for claiming benefit of earlier filing date.

Sec. 404. Provisional rights.

Sec. 405. Prior art effect of published applications.

Sec. 406. Cost recovery for publication.

Sec. 407. Conforming amendments.

Sec. 408. Effective date.

TITLE V—OPTIONAL INTER PARTES REEXAMINATION PROCEDURE

Sec. 501. Short title.

Sec. 502. Ex parte reexamination of patents.

Sec. 503. Definitions.

Sec. 504. Optional inter partes reexamination procedures.

Sec. 505. Conforming amendments.

Sec. 506. Report to Congress.

Sec. 507. Estoppel effect of reexamination.

Sec. 508. Effective date.

TITLE VI—PATENT AND TRADEMARK OFFICE

Sec. 601. Short title.

Subtitle A—United States Patent and Trademark Office

Sec. 611. Establishment of Patent and Trademark Office.

Sec. 612. Powers and duties.

Sec. 613. Organization and management.

Sec. 614. Public Advisory Committees.

Sec. 615. Patent and Trademark Office funding.

Sec. 616. Conforming amendments.

Sec. 617. Trademark Trial and Appeal Board.

Sec. 618. Board of Patent Appeals and Interferences.

Sec. 619. Annual report of Director.

Sec. 620. Suspension or exclusion from practice.

Sec. 621. Pay of Director and Deputy Director.

Sec. 622. Study on Alternative Fee Structures.

Subtitle B—Effective Date; Technical Amendments

Sec. 631. Effective date.

Sec. 632. Technical and conforming amendments.

Subtitle C—Miscellaneous Provisions

Sec. 641. References.

Sec. 642. Exercise of authorities.

Sec. 643. Savings provisions.

Sec. 644. Transfer of assets.

Sec. 645. Delegation and assignment.

Sec. 646. Authority of Director of the Office of Management and Budget with respect to functions transferred.

Sec. 647. Certain vesting of functions considered transfers.

Sec. 648. Availability of existing funds.

Sec. 649. Definitions.

TITLE VII—MISCELLANEOUS PATENT PROVISIONS

Sec. 701. Provisional applications.

Sec. 702. International applications.

Sec. 703. Certain limitations on damages for patent infringement not applicable.

Sec. 704. Electronic filing and publications.

Sec. 705. Study and report on biological deposits in support of biotechnology patents.

Sec. 706. Prior invention.

Sec. 707. Prior art exclusion for certain commonly assigned patents.

TITLE I—INVENTORS' RIGHTS

SEC. 101. SHORT TITLE.

This title may be cited as the "Inventors' Rights Act".

SEC. 102. INVENTION PROMOTION SERVICES.

Part I of title 35, United States Code, is amended by adding after chapter 4 the following chapter:

"CHAPTER 5—INVENTION PROMOTION SERVICES

"Sec.

"51. Definitions.

"52. Contracting requirements.

"53. Standard provisions for cover notice.

"54. Reports to customer required.

"55. Mandatory contract terms.

"56. Remedies.

"57. Records of complaints.

"58. Fraudulent representation by an invention promoter.

"59. Rule of construction.

"§ 51. Definitions

"For purposes of this chapter—

"(1) the term 'contract for invention promotion services' means a contract by which an invention promoter undertakes invention promotion services for a customer;

"(2) the term 'customer' means any person, firm, partnership, corporation, or other entity who enters into a financial relationship or a contract with an invention promoter for invention promotion services;

"(3) the term 'invention promoter' means any person, firm, partnership, corporation, or other entity who offers to perform or performs for, or on behalf of, a customer any act described under paragraph (4), but does not include—

"(A) any department or agency of the Federal Government or of a State or local government;

"(B) any nonprofit, charitable, scientific, or educational organization, qualified under applicable State law or described under section 170(b)(1)(A) of the Internal Revenue Code of 1986;

"(C) any person duly registered with, and in good standing before, the United States Patent and Trademark Office acting within the scope of that person's registration to practice before the Patent and Trademark Office, except when that person performs any act described in subparagraph (B) or (C) of paragraph (4); or

"(D) any person or entity involved in the evaluation to determine commercial potential of, or offering to license or sell, a utility patent or a previously filed nonprovisional utility patent application; and

"(4) the term 'invention promotion services' means, with respect to an invention by a customer, any act involved in—

"(A) evaluating the invention to determine its protectability as some form of intellectual property, other than evaluation by a person licensed by a State to practice law who is acting solely within the scope of that person's professional license;

"(B) evaluating the invention to determine its commercial potential by any person for purposes other than providing venture capital; or

"(C) marketing, brokering, offering to license or sell, or promoting the invention or a product or service in which the invention is incorporated or used, except that the display only of an invention at a trade show or exhibit shall not be considered to be invention promotion services.

"§ 52. Contracting requirements

"(a) IN GENERAL.—(1) Every contract for invention promotion services shall be in writing and shall be subject to the provisions of this chapter. A copy of the signed written contract shall be given to the customer at the time the customer enters into the contract.

"(2) If a contract is entered into for the benefit of a third party, the identity and address of such party shall be disclosed by such party's agent and such party shall be considered a customer for purposes of this chapter.

"(b) REQUIREMENTS OF INVENTION PROMOTER.—The invention promoter shall—